

AGRICULTURE AND LAND STEWARDSHIP DEPARTMENT[21]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 177A.6 and 177A.13, the Department of Agriculture and Land Stewardship hereby amends Chapter 46, "Crop Pests," Iowa Administrative Code.

The invasive pest that kills ash trees, the Emerald Ash Borer, has been found in the state; and a quarantine has been established for Allamakee County. Under the amendments, firewood offered for sale, sold or distributed will have to be identified by the county and state of origin. Wood may be moved under a compliance agreement or limited permit. Clarifying language is added to provide that certificates can be revoked for regulatory noncompliance.

Notice of Intended Action was published in the Iowa Administrative Bulletin as **ARC 8911B** on June 30, 2010. One comment was received from the public suggesting an earlier effective date. No changes have been made to the Notice of Intended Action.

These amendments are intended to implement Iowa Code sections 177A.8 and 177A.13.

These amendments will become effective January 1, 2011.

The following amendments are adopted.

ITEM 1. Amend rule 21—46.13(177A) as follows:

21—46.13(177A) Certificates. Certificates issued to nursery growers, ~~or~~ nursery dealers or signees of compliance agreements pertaining to regulated articles are nontransferable and are for the exclusive use of the one to whom they are issued. Certificates may be revoked by the state entomologist for a failure to comply with regulatory requirements.

ITEM 2. Adopt the following **new** rule 21—46.16(177A):

21—46.16(177A) Firewood labeling. Every package of firewood offered for sale, sold or distributed must include the harvest location of the wood by county and state. The harvest location of wood sold in bulk must be included on the delivery ticket. These provisions apply to any length of tree that has been cut. A limited permit may be issued by the state entomologist, or a compliance agreement may specify the regulations which would allow the movement of the wood. The limited permit or compliance agreement is not transferable and may be revoked by the state entomologist for noncompliance or failure to comply with regulatory requirements.

[Filed 10/14/10, effective 1/1/11]

[Published 11/3/10]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 11/3/10.